

# United States Department of Agriculture

## SERVICE AND REGULATORY ANNOUNCEMENTS

### BUREAU OF CHEMISTRY

#### SUPPLEMENT

N. J. 12751-12800

[Approved by the Secretary of Agriculture, Washington, D. C., March 2, 1925]

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

**12751. Misbranding of butter. U. S. v. Dakota Creamery Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 18570. I. S. No. 11919-v.)**

On June 13, 1924, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dakota Creamery Co., a corporation, Deadwood, S. Dak., alleging shipment by said company, in violation of the food and drugs act as amended, on or about December 18, 1923, from the State of South Dakota into the State of Wyoming, of a quantity of butter, which was misbranded. The article was labeled in part: (Package) "Pasteurized Meadow-Gold \* \* \* butter Contents 1 Lb. Net Butter \* \* \* Distributed By Dakota Creamery Company Deadwood, So. Dak."

Examination by the Bureau of Chemistry of this department of 90 packages from the consignment showed that the average net weight of the contents of the packages examined was 15.3 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents 1 Lb. Net," borne on the packages containing the article, was false and misleading, in that it represented that each of the said packages contained 1 pound net of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of butter, whereas each of said packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 17, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

**12752. Adulteration and misbranding of wheat middlings. U. S. v. Gwinn Bros. & Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 16555. I. S. Nos. 11715-t, 11718-t.)**

On September 23, 1924, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Gwinn Bros. & Co., Huntington, W. Va., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about September 21, 1921, and March 1, 1922, respectively, from the State of West Virginia into the State of Kentucky, of quantities of wheat middlings which were adulterated and misbranded. The article was labeled in part: (Tag) "Wheat Middlings & Screenings Made By Gwinn Bros. & Co., Huntington, W. Va. Guaranteed Analysis Protein 16.00 Per Cent."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the said samples contained 13.8 and 14.5 per cent of protein, respectively. Examination by said bureau showed that the article contained corn bran.

Adulteration of the article was alleged in the libel for the reason that a product composed in part of corn bran and containing less than 16 per cent of protein had been substituted for a product composed of wheat middlings and ground wheat screenings, 2 per cent, and containing 16 per cent of protein, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Guaranteed Analysis Protein 16.00 Per Cent, \* \* \* Made From: Wheat Middlings Ground Wheat Screenings 2%," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading, in that the said statements represented that the article contained not less than 16 per cent of protein and was made wholly from wheat middlings and ground wheat screenings, 2 per cent, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 16 per cent of protein, and was made wholly from wheat middlings and ground wheat screenings, 2 per cent, whereas, in truth and in fact, the said article did contain less than 16 per cent of protein and was not made wholly from wheat middlings and ground wheat screenings, 2 per cent, but was made in part from corn bran.

On September 29, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Secretary of Agriculture.*

**12753. Adulteration and misbranding of white middlings and adulteration of dairy feed. U. S. v. Keister Milling Co., a Corporation. Plea of guilty. Fine, \$100.** (F. & D. No. 16231. I. S. Nos. 11707-t, 11708-t, 11709-t.)

On September 23, 1924, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Keister Milling Co., a corporation, Huntington, W. Va., alleging shipment by said defendant, in violation of the food and drugs act, from the State of West Virginia into the State of Kentucky, in various consignments, namely, on or about March 18, and April 14, 1921, respectively, of quantities of white middlings which were adulterated and misbranded, and on or about March 1, 1921, of a quantity of dairy feed which was adulterated. The articles were invoiced, respectively, as "White Middlings" and "Dairy Feed."

Analysis of a sample from each of the consignments of white middlings showed that the samples contained rye middlings, rice bran, and rice hulls. Analysis of a sample of the dairy feed showed that it contained a large quantity of rice bran.

Adulteration of the white middlings was alleged in the information for the reason that a mixture composed of rye middlings, rice bran, and rice hulls had been substituted in whole or in part for white middlings, which the article purported to be.

Adulteration of the dairy feed was alleged for the reason that a substance, to wit, rice bran, had been substituted in whole or in part for dairy feed, which the article purported to be.

Misbranding of the white middlings was alleged for the reason that it was a mixture composed in part of rye middlings, rice bran, and rice hulls prepared in imitation of white middlings, and was offered for sale and sold under the distinctive name of another article, to wit, white middlings.

On September 27, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Secretary of Agriculture.*

**12754. Adulteration of butter. U. S. v. 42 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 18953. I. S. No. 19021-v. S. No. C-4458.)

On August 11, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 42 tubs of butter, at Chicago, Ill., alleging that the article had been shipped by the Rice Lake Creamery Co., from Rice Lake,